San Francisco, Dec. 9, 1859. San Francisco bas been in a great fret during the at four days, on account of the confirmation of the Berreback claim"-a tract of land 800 varas, or 733 yarde, square, in the southern part of this city. This calm is founded on a grant made in 1845 by Vanuel Court, Prefect of San Jose, under the laws of Acciec. It was rejected by the Land Commission, and was supposed by nearly our whole population to be en-thely dead. Nobody thought of it in purchasing property, nor indeed, did anybody know where its beanderics were, and many who had been here only two or three years had never heard of it. The con-Armstion of the claim then by the D'atrict Court was entirely unexpected, and the sensesion created by it may perhaps best be likened to that which would be the New-York if some important building in the senter of the city were blown up by the explosion of a kundred barrels of gunpowder.

The land covered by the grant is supposed to be worth at least \$2,000,000. The corners are as fol-

The northeastern corner is on the southern line of Isrdson street, 95 varas southwest of First street. The northwestern corner is on the western line of hird street, 75 varas northwest of Howard street. The southeastern corner is on the western lice of Third street, 100 varas southeastward from Branusn

The southwestern corner is on the southern line of Harrisen street, 60 varas northeastward from Fifth

These points being fixed, anybody can draw the

There points being fixed, anybody can draw the lines on any map of the city.

The truet includes the most fashionable part of the city for residences.

The fellowing gentlemen, among others, have fine dwellings and gardens within its limits: John Parsett, Capt. Husack, Dr. Scott, R. E. Brewster, Church of Sather & Church, J. W. Tucker, Judge Coon, Robt. Wells, Thomas H. Seitby, Louis McLane, jr., B. F. Washington, Moees Ellie, R. G. Sheath, G. W. P. Bissell, Henry Cariton, jr., A. B. Forbes, and W. F. Babteck.

The decision was rendered by Judge Hoffman at 8 clock in the morning, on the 5th inst., and he sailed in the steamer Golden Gate for New-York at 9 o'clock, and nothing was known to the public of the centirmation until the afternoon. The first general impression in regard to the Judge's conduct was not at all favorable to him, but it was soon discovered that, as the term of the Court ended on last Saturday, if the decision had been rendered during that week, only a few days would have remained in which to move for a new trial may be made at any time within six months. His course in the natter was therefore intended to give those opposed to the chaim every opportunity to contest it. There is no coubt whatever that the grant is genuine; and the legal validity of the claim turns entirely on the questions whether this prefect had the power to grant the common lands of pueblos, or Mexican towns, whether Yerba Buena was a pueblo in 1845, and whether Yerba Buena included this land; all these questions are decided by Judge Hoffman in the affirmative. Peter T. Sherreback, the original grantee, has told out all his interest in the claim, and the following presents are decided by Audge Hoffman in the affirmative. The decision was rendered by Judge Hoffman at bree. Peter I. Sherreback, the original granice, has beld out all his interest in the claim, and the following persons are said to be the owners of it now: N. Willias Celes, of San Francisco; Albert Packard, of Santa Barbara; Capt. Isaac Brenham, of San Jose; Mr. Sanshez, of Monterey; Gen. John Wilson, of San Francisco; Mrs. Sherreback, of San Jose; Sam. Soule, of San Francisco. cisco; Mrs. Sherreback, of San Jose; Sam. Soule, of San Francisco.

The result of this decision will be to put a stop to

The result of this decision will be to put a stop to the improvements in that part of the city which was lately improving more rapidly than any other. It will also came a general distrust, and probably will lead to a tail in the value of property, which has been going up pretty rapidly during the last sixteen months. Always the claim covers only a small portion of the caty, yet our whole population may be said to be interested against it, and the newspapers are making a vigorous war upon it, picking laws in the law and evidence ander which it was confirmed. It has been discovered that the Moxican law required that a person should be 30 years of age before he could hold the office of Prefect, whereas Manuel Castro, who made this great as Prefect, was but 23 at the time. This is but one of many points against it.

We expect several other decisions soon in regard to the ownership of large tracts of land in and near our city. The first is the Samillan Grant now before the Daired States Supreme Court, and the next is the Peter Smith claim before the State Supreme Court.

Paired States Supreme Court, and the next is the Peter Smith claim before the State Supreme Court.

An important decision was rendered a few days ago in Calaveras Courty by Judge Hardy of the State District, in a suit brought by a squatter who held land for agricultural purposes, highlight some miners who had eatered his inclosure to dig for gold. Judge Hardy rendered a long opinion in the case, and at its conclusion summed up the points decided as follows:

Supre 1 hat the mines of precious metals in this State are the property of the owner of the soil, whether that owner be the base, the United States, or an individual.

Second 2 hat the Legislature of the State, by virtue of the State's soversignty, may authorize any person to invade the wasted hands of others, and day for gold, rendering compensation, to be accertained by jury, to the owner. By waste lands in a can any know not absolutely devoted to other useful and imputent purposes.

Pare: That the Legislature can, by virtue of the State's emi-

There: That the Legislature can, by virtue of the State's emizent domein, authorize the entry upon any lands belonging to
the thries States, on the same terms and by the same rights that
it may be done upon the land of other private proprietors.
Fearch: That the Legislature has not yet provided by law for
the condemnation of private property for mining purposes, and
for the exercisionnest of value and payments of compensation.
Fight: That the act of 1852 and 1855 concerning possessory
actions, and for the protection of the owners of crops, &c., to
the a mining districts, do not authorize the invasion of an actual
exceptagy not held under the law of 1852. And
Sault: If the act of 1855 does confer such right, that it violates
the constitution of this state in depriving a chizen of his property without due process of law or just compensation.
So judgment was given for the agricultural squatter,
and a persectual intunction was issued restraining de-

and a perpetual injunction was issued or a square, and a perpetual injunction was issued restraining defendance, their sgents, servants, employees, and successors, from further trespassing upon the inclosure of plaintiff, by digging, mining, or otherwise, within the

The Indian war in Pit River Valley has been brought to a close. Six hundred red-skin prisoners have been brought into Red Bluff, and are to be sent to the Tejon Reservation, in the southern part of the

During November gold bullion, worth \$690,615 14.

During November gold bullion, worth \$550,015 14, was deposited in the mint, and 46,526 ounces of silver were purchased.

The amount of treasure sent away by the steamers which sailed on the 5th was only \$253,341 59—less than has been sent in any fortnight by steamer during the last eight years. In addition to the treasure, \$560,600 were sent in Government drafts.

Walter Skidmore of San Kafael, Marin County, has

walter Skidmore of San Rafael, Marin County, has been arrested on a charge of murdering an infant shild of his wife by poisoning with strychnine. The Coroner's Jury found that the child had been poisoned. Rumor says Skidmore's motive for the murder was jealeusy, and a supposition that he was not father of the child.

the child.

The Marriposa Gazette says:

All the sterm quarts mills in the County, so far as we know, and the appregate product of gold in this County will, for some time, be as large as it ever was, even in the painty days of '49 and '30."

Comity will, for some time, be as large as it ever was, even in the painty days of '4s and '30.'

The Sonora Age reports the following cure of instanty by a surgheal operation:

"On Thursday, the 1st instant, Dr. Thompson of this place perfermed an operation on the head of a man named George libe man, who had been cross, and was about bring sent to the Asylum, at stockton. It appeared that the top of the head had been injured at some previous time, and Dr. Thompson very massibly cencloded to operate upon that part, which he did by extracting several pieces of the skull. The patient was marantly received, and expressed the greatest surprise that he should be confined in the cell of a jail. He is now enjoying as much reason as fewer possensed.

The Alia reports that some argentiferous and surferens quarts taken from a vein in Santa Cruz County, has been assayed in this city, and found to yiell twelve cancer of silver and three counces of gold to the tunthe former valued at \$15.70, and the latter at \$62.31—stal \$78.01 to the tun.

wist \$78 61 to the tun.

The smuggled diamonds taken from the Collector by
Alfred Eorel, jeweler, were sold by the United States
Marshal on the 7th inst. They weighed 148 carsts,
and sold for \$6,965.

Marshal on the 7th inst. They weighed 148 carats, and sold for \$6,965.

The Italians of this city have held several meetings to do their part toward sending 1,000,000 muskets from the United States to Garibaldi.

It is said that two realed packages have been found among Mr. Broderick's papers, and it is thought that one of them probably contains his will. These packages will not be opened until an administrator is appointed by the Probate Court.

The newspapers report that during November, 6.48 inches of rain fell in Sacramento, 3.82 in Stockton, and 16.5 in Columbia. Stockton is about 50 miles southward of Sacramento, and Columbia is 50 miles southward of Sacramento, and Columbia is 50 miles castward from the former place, and 70 south castward from the former. Columbia, however, is about 2,000 feet higher than the other places, and this altitude must account for the greater fall of rain.

The Stockton Republican reports that a number of men have collected in Mariposa County to resist a writer ejectment issued by the District Court in the case of Fremout agt. Crenshaw, the property in dispute being a causity to the Mariposa ranch.

Henry M. Hughes, a steambout runner, was shot by a rival in trade known as San Juan Jack, in Sacramento, on the 6th inst.

a rival in trade known as San Juan Jack, in Sacramento, on the 6th inst.

A. J. Chambiin was frozen to death, in Trinity County, reveral weeks ago, while driving some cattle ever the mountains.

Four seamen of the whale ship Fabeas have been indicted for mutary.

Thomas Raleigh Mahan, a nigger minstrel, generally known by his stage name, "Thomas Raleigh," was

shot dead on the evening of the 5th inst., by Frank Hersey, a brother mustrel and friend. A drusten for how named Frederick Elmore, caught hold of Hussey, and jerked him about, and then pulled out a dagger, and she latter took a revolver from his trank near by, and as he raired it it went off, killing Mishan, who was trying to pacify Elmore. Mahan was from Philadelphia. In his trunk was found a certificate of deposit for \$4,000, and jewelry worth about \$1,000 more.

The steamer Pacens arrived here this morning with dates from Portland to the 30th ult., Olympia to the 3d inst., and Victoria to the 5th inst.

The Victoria Gazette the American newspaper, has died, and The New Westminster Times has abandoned its old name and assumed that of The Victoria Gazette, but it remains British in ownership and sympathy.

thy.
The shipment of dust during the three months pre-ceding the 1st inst. amounted to \$440,000.
It is said that not more than 500 miners remain in British Columbia. Two hundred came down on the

Intense cold prevails on Fraser River. The steamer lieut. Gov. Moore is frozen in. Snow four inches deep was lying on the ground in

Victoria on the 5th.

Victoria on the 5th.

A very cold Winter is expected.

Mt. Baker has been spitting fire freely of late.

We have news from Honolum to the 10th November. There are 75 whalers in the harbor of Honolulo, 81 jirg "off and on" near the harbor, 25 in the harbor of Lahuina, and 19 at Hilo, being 127 at the islands. The Honolulu correspondent of The Alta writes as tollows:

INS:

13y-nine more are to arrive, or be heard from, before the

15 ships to be expected in the Fall of 1859 is exhausted. Our

or is rapidly filling up, and promises to show a larger fleet in

here this Fall than it has for several years. I regret to say,

ever, that the reports are worse than even I anticipated in

at alloomy letter on this subject, and the average catch will

one up to my low figures. If New-Bedford lost two mil
come up to my low figures. If New-Bedford lost two mil
one are to my low figures.

If the above average don't send it up to ease, the owners had better withdraw altogether.

The wooden bridge, suspended on chains, across the River Wailaku, near Hilo, on the Island of Hawaii, broke down in the latter part of October, when there were about two dozen persons returning from a pic-nic on it. No lives were lost, nor was anybody seriously injured, though some had difficulty in extricating themselves from the broken timbers. R. H. Dana, jr., was on the bridge, and had one of the bones of one fect broken, and was a little bruised. If he keeps on at the present rate he will have a good collection of perilous adventures to be included in his work—if he should write one—describing his journey round the world.

should write one—describing his journey round the world.

Mr. Nielson, who was shot by the King, and was supposed to be on the safe way to recover, has been growing worse lately, and the King had put off with his family physician to Lahaina to see him. His Majesty is really a generous fellow.

The cultivation of sugar is extending. Tobacco grows on the islands, but will not burn well when made into cigars, the surposed cause being the absorption of some moonbusible mineral from the soil. The Osage orange does not thrive on a hedge, but the Chinere orange, called the Cumquat, is said to make beautiful hidges. Mr. J. Montgomery, the President of the Royal Agricultural Society, in a late address, notices the arrival of some sparrows and linnets in the islands as an event of importance. They have been let loose.

The total assessed value of property in the islands is \$7,016,305, about equally divided between real and personal.
There are 17,920 taxable men in the Islands over 20 years of age; 27,737 houses; 7,335 doge; 2,783 mules. The annual school tax is \$33,568.

SAN FRANCISCO, Dec. 14, 1859. A special election for Senator to represent this county in the next Legislature, was held on the 12th inst. Only 6,125 votes (about one half of those in the city) were cast. Of these, A. C. Peachy, Lecompton candidate, received 2,994 votes; Hathaway, Republican, 1,748; Pierson, Workingman's candidate, 1,376; scattering, 17. The Anti-Lecompton party had no cancidate. The election turned upon local questions, principally that of the bulkhead. Mr. Peachy is opposed to the Parson's Bulkhead scheme, of which the majority of our business men are very much afraid, and which came very tear being successful in the last

and which came very near being successful in the last Legislaure.

An examination of the Assessor's books show that the agreed value of the land and shouses within the limits of the Sherreback claim, as confirmed is \$955,960. The real value in the market, with a perfect title, would be at least twice as much.

Day before yesterday, the Probato Judge opened a locked tin box deposited by Mr. Broderick before the opening of the last political compaign in one of the banking houses of the city. It was supposed that the box contained a will, but no papers were found in it. The contents were some gold specimens, a broken watch which was struck by a bullet in his duel with J. Caleb Smith, (a son of "Extra Billy") in 1852, and a string of large cornelian beads resembling a rosary. One of the French newspapers of this city annouses that M. Amie Gazan, a Frenchman sailed yesterday for Mazatlan, where he is to organize a regiment of for Mazatian, where he is to organize a regiment of soldiers with French officers to fight for the liberal party. This M. Amic Gazan was the husband of a noted German cantatrice who died about a year ago while on her way from Panama to this city. It is supposed that if he succeeds in getting his regiment, his under officers will be drawn chiefly from the French condition of California.

opulation of California.

Mr. R. H. Dana, jr., arrived here, yesterday, from Honolulu. He intends to take the first vessel for

evere storm which swept over the whole State The severe storm which swept over the whole State on the 25th, 26th, and 27th of last month killed 5,000 sheep and 1,5t0 black cattle in Los Angeles County. One French woman owning 1,500 sheep, saved them all by building a large fire in her house at the most trying part of the storm, driving the sheep in by squaes, keeping them in long enough to get warm, and giving to each a glassful of red wine.

The Clumer Publice, Spanish newspaper of Los Angeles, is to be removed to Hermosillo, the capital of Sonora, at the request of Gov. Pesquira.

The Russian war steamers Novick and Rynda arrived here yearday from the Amoor River, on their way

The Russian war steamers Novick and Rynau arrived here yesterday from the Amoor River, on their way to Crenstadt.

The Novick reports the drowning of Capt. Moses W. Leighton and mate, Turner B. Hubbard, and three teamen of the schooner Emma of San Francisco, in

the Amoor River.

Newspaper rumor says a rich lead mine has been discovered near Steamboat Springs, in Pleasant Valley, on the eastern slope of the Sierra.

A telegram dated at Genoa, Carson Valley, yester-

A telegram dated at Centen, Carrier 1979, early day, e838;

"The Colfornia Company of Virginia City, after some six weeks drifting, have struck the main stiver lead some sixty feet below the surface. The ore struck promines to rival in richness that from the far-famed Ophir Lead. The effect of striking this lead in the California Company's alaim has been to rule the price of laims located upon the range of the main lead 509 per cent. The Ophir Mexican and Central Company find that the deeper they go the widet the silver vein becomes. The Ophir Con pany has reached the depth of about thirty feet of bine sulphuset of silver. Very lively prospecting is carried on there—twenty-five tonnels being now under way in that immediate

district.

"At Gold Hill there is not much doing, owing to the extreme cold weather at the Devil's Gate, five miles from Virginia City; but upon the same range they have struck several very rich quaris lends. The claim of Hill & Co., and others, premier to excel in richness saything ever found in California. The travel from California, via Placerville, is still kept up. Passengers arrive daily. There are some two or three hundred pack animals employed between this city and Placerville."

The San Francisco Woolen Mill commences its operations to

ons to-day.

In my lest letter I wrote you that the Indian war in Pit River Vailey had been closed, and that 600 redskin prisoners were at Red Bluffs waiting for conveyance to the Tejon Indian Reservation in Los Angeles County. he Red Bird Beacon sums up the causes and results the war as follows:

The Red Birdf Beacon sums up the causes and results of the war as follows:

"For a number of years past that portion of California east of the Sacramento River and north of Butte Creek has suffered greatly from the depredations of the Indians. White men have been allied, houses burned, stock stokes, etc. Among the kined were: Mr. Rowles and three men; James Freeman and war men; Mr. Neklay and one man; Mr. Callaghan and two men; Mr. Neklay and one man; Mr. Callaghan and two men; Mr. Neklay was man Mr. Birney; Mr. McMalachen and one man; Feter Lasen, Chapper, and two others; two men on flayne's Creek-all hnown citizens of this camp; and vicinity. These wens all killed during the past year; beside, many narrow escapes was made. The destruction of property in Tehama Canny alma is estimated to exceed \$100,000 since the year life; "In addition to this the great thoroughfare and only wason read through from the Sacramento Valley to I reke runs through the Fit River Isdian country. The depredations of the Indians have driven off the stopes. Teamsters are corepeiled to go in large companies to guard their freight and stock notwithstanding which, great lose of life and property has occurred.

"These are some of the germaness or mentated. Frequent performs were made to the U. S. Commandant of the Pacific forces, but without well. Finally the people of that section petitioned flow. Weller for assistance, which was promptly granted, and ties. Kib to ordered into the field. On the 13m of August, the tieseral, arting under instructions, organized a volunteer company constitute of early men matty readents and farmers of Relama County, and immediately commenced active operations. The campings may fairly men matty readents and farmers of Relama County, and immediately commenced active operations. The distinct have been effectually embadded, and many of them taken prisoners. Hundreds of them have been sent to the lissery's lives, including short-from collective and desperate wear diored. The inclusions, including short-from colle erprising farmers.

"These is appears that the campaign, though short, has been some differences and today accreed that the cost will not

crossed the less to property sustained by the people of Tohama County by these Indians in any one year since black?

The late decision of the State Supreme Court, that the owner of land under grait from Mexico owns the precious metals in it also, and the decision of the District Court in Calaveras County, that the occupant of Government land in the mining districts for agricultural purposes may prevent miners from invading his possession, must attract much attention at Washington, and among lawyers throughout the country. I think these decisions are partly owing to the discussion of the question of the necessity of selling the mineral lands, and the consequent conviction in the minds of many of our ablest lawyers and best men that miners must have fee simple tiles, and that our mining population must become permanent, at whatever cost. I do not mean that the Judges have perverted the law, for there was no law to pervert. men that miners must have fee simple tiles, and that our mining population must become permanent, at whatever cost. I do not mean that the Judges have potverted the law, for there was no law to pervert. Under our uncertain system of uncodified law, the Judges are permitted to legislate almost as much as they interpret or judicate—if I may coin a new word. Many of the newspapers here are lamenting over the late decisions, but I think they are for the best. I still adhere to the idea advanced when I commenced the late agitation on the sale of the mineral lands, about two years ago, that, under the present land-tenure or no-tenure in the mines, California would be a great tooisl and moral wreck in 20 years. The sale of the lands, the conversion of our nomad miners into permanent ciuxem, the building up of comfortable homes, and the introduction of the family as the rule instead of the exception, and the strong instead of the weak element in the mining population, can alone save us.

The San Autonio Independent, in a late article, says:

The Busical Product of a miner, allowing 250 working at \$3 per day, is \$754 per annum. But, it must be borne in mind that, in the manner which mining for the precious metals has hitherto been conducted, and by the laws regulating the team of gold lands, the miner has been precluded, virtually, frost sliving any other pursuit with his business, so that it might be permanently and published concucted—hence, from this \$1,00 permanently and published permanently working tools all the necessaries and luxuries of life—must be deducted. Busided at \$4 per week, is \$200; his clothing and bedding \$2 permanently in the product of the permanently in the permanent

side mining.

At present we have no reason to rejoice that gold is our steple. Of the six or seven hundred millions of dodars which we have produced, how much has gone to the wealth of California? Not one fifth; our whole taxable property will not equal one lifth of the amount; and it is to be remembered that over one-

We have dates from Honolulu to the 17th ult. The only news of interest is that contained in the following extract from the correspondence of The Atla:

"The whole whaling fleet, with the exception of twenty-five vessels, are in or heard from.

"Our business community are at the hight of the Fall season trade, and our streets wear the bustle peculiar to that period. A number of the whalers have left to cruise on the line, or bound to the coast of California for oil. Some are homeward bound, either around the Horn, or by the way of the New-Zealand ground, around the Cape of Good Hope. The onseanaly large number of our partially empty whale ships homeward bound willing to take oil and bone at allow rate, in order to fill up, has prevented the merchantmen from filling up as quickly as they otherwise would have done. The Sylvia's lay-days have nearly expired, and she wants considerable oil. The Black Sea was not put on until a later date, and she has not progressed so far as the Sylvia. The Baduga, at Hillo, has not most with but moderate success, and the E. F. Willetes, at Lahaina, although taking in a goodly quantity of bose, has but about 2,600 barrols of oil on bourd. The Siam, Bhering, and the Bremen vessels having been laid-on by parties who are owners and controllers, are doing all that was expected of. Freights of oil and bone, however, tule very low."

THE DEATH-PENALTY.

The subject of Penal Reform, involving in its coneideration the origin and proper treatment of crime, is at the present time arresting the attention of every truly reflective mind. Among the many obstacles which retard the car of progress and hang like clogs of leaden weight upon the chariot of reform, the Gallows stands preëminent. It has so long been the prominent instrument in the hands of Government to pun ish crime, that it is not very strange that many still regard it as absolutely essential to the regulation and well-being of Society. But a brief examination of its influence on the morals of community will, we think, dispel the idea that it has ever been, or ever can be, efficacions in suppressing crime.

It has essayed to be the great instrumentality through which crime is to be punished; and yet, through its operation and influence, it forters that very spirit which incites to cruelty and the commission of capital offenses. It has claimed for itself a poculiar efficacy, which is to promote public virtue by coercing mankind into deeds of righteousness. It professes to be the terror of evil-doors, yet it cannot be shown that it has ever prevented the commission of a single crime. It seeks to encourage virtue by perpetrating the very act which denounces and punishes as a crime. It sesks to pronote morality by assailing the spirit of Christianity. Falling short of its apparent object, and utterly failing to restrain the commission of crime, it has indeed be-come a question whether it should be longer sustained by a Government professing to be Christian and hu-

Although the question of Capital Punishment is freely discussed at intervals, and more especially whenever conviction has taken place and a human life is in iconardy, still it is quite evident that passion and early prejudice enter too largely into controversies thus thrust periodically upon the public mind. Of all questions, this is one that should enchain the attention of every truly noble mind. It is eminently worthy of man's highest and holiest consideration, requiring his calm and serious deliberation; a reflection divested of all passion and prejudice, and tempered by that benevolence which ever incites to good and noble action.

As brevity, in newspaper communications, is a copt able to both editor and reader, we shall condense into as few words as possible what we desire to say, leaving for the lecture-room the fuller argument of the

The following interrogatories are submitted to and should receive the careful consideration of every individual: Bas Government the right to declare forfeit the life of any human being! If so, whence did Government receive that authority † Has man the right to delegate to individual man the power to take eway his life in certain contingencies? If not, how can be delegate that power to Government ! Has man the right to declare forfeit his own life ! If so, has he not the right to commit suicide? If man has not the right to dispose of his own life, how can he delegate to Society or Government a power which he does not himself possess !

In banging a fellow-being, has Government improved the condition of Society, gratified the pobler feelings of our nature, or advanced the ends of justice or humanity? On the contrary, is not the execution of a human being a direct assault upon the public morals, and a violation of private feeling? Does the in fliction of that punishment restrain the commission of crime in others? If so, why does not crime decrease or altogether ecase in those States where it is inflicted? If the gallows restrains man from the commission of crime why not bang in public, that the rising generation may witness a spectacle so fraught with moral benefit? Why abolish public executions? Is Government asbamed of the execution of its own laws? Why not erect the gibbet in your marts and beside your churches as public monunients to the moral efficacy of the institution? Why seek the privacy of the jull-yard, excluding the

people from any participation in an exhibition which, in its influence, is so potent to restrain the commission of crime? Why force the Sheriff to perform an act which no humane person would volunteer to perform in his individual capacity ?

protect itself 'rom the reposition of his offense on the part of the criminal? If so, why not hang the lunatio? Is he not more dangerous to the community than the murderer? If Society can protect i'self from the insane by confining them, would not the same re-

straint apply to the criminal? Does man commit crime from the workings of a heart innate y deprayed, or from the force of circumstances pressing heavily upon an organization weak ened by d'aripation, or sadly defective in early educa-tion and moral training? If from the former cause, is it not strange that the number of nurders is not legion? If from the latter, is it not wonderful that there are so

We assume, in the argument, that the Government correspond to the right to declare forfeit the life of any ember of the social body; and, for this reason, that the power thus exercised is not a legitimate one, having een obtained from those who had not the right to delegate it; for when it can be shown that a man's life beorgs to bimself, independent of superior claims, then, and not till then, can it be admitted that Society poesesses the right to take that life. Life was given us by our Creator, and is subject to Him and Him alone; and for man to assume a power which should only be exercised by the Deity, is but another proof of his arro-gance and Heaven-daring presumption.

Government was instituted for a wise and beneficent purpose; it contemplates in its functions and operations the exercise of those powers only which were delegated to it by the people. It has for its object the protestion and security of Society, the preservation of peace and order, the promotion of virtue and moral-ity, and the suppression of vice and crime; to which end it epacts laws to protect the weak and powerless against the encroachments of the oppressor, and to se-cure to every individual the free and unrestrained exercise of his God given rights.

But Government is ever aggressive. It not only tenaciously clings to those powers which were dele gated to it, but is constantly seeking to arrogate to itself more power. This is the tendency of Government when in the hands of ambitious men. The history of the Past, whose pages are written in crimson, impresses us with the truthfulness of this lesson: Selfish and corrept men have been found ready an I willing to control the affairs of State, and, through Government, as an instrumentality, have perpetrated outrages and crimes which as individuals they would have b ushed to acknowledge, and which, without the sem-blance of Government, could never have been committed. France, during the "Reign of Terror," is a melancholy instance of what Government, in the bands of tyrants, may become. Instead of securing to Society those blessings which should flow from its legitimate functions, it became the most terrible invader of the rights of the people. Thus we find that when de signing men seize upon and mold Government to gratify selfish and ambitious schemes, it becomes the reflex of their own minds, and is no longer the great bulwark on which rest the rights of the governed. Too long have Governments been made the great scap-goats for individual iniquity. Too long have they been made the instruments of torture to gratify a spirit of malevolence which still lurks in the hearts of those who, while professing Christianity, still advocate the Penalty of Death for crime, and urge its execution in the name of the Lord.

In severing the ties that bound us to the mother country, and in establishing a Republican form of Govern-ment, it was but natural that the several States should retain, to a very great extent, those laws which had governed them as a dependency of Great Britsin, and that, among other powers retained and still exercised. the power to declare forfeit human life, stands prominent. That the exercise of this power has been productive of no good and of incalculable evil, must seem clear to every individual who has reflected upon the subject; for, as we carefully scrutinize the operations of Government, we will find, that, whenever it has manifested a tender regard for human life, an increasing care for the unfortunate and down-trodden, and has evipced an earnest degire to minister to the welfare of Society, in the same spirit have the governed made manifest their appreciation of the benign influences which prompted it, exhibiting in their conduct one to another the benevolent workings of those influences derived from Government. When a State, by the abo ition of its barbarous and cruel laws ceases to disturb the moral element which pervade Society, and refuses to become an instrument to assault the public morals by the infliction of horrible punishments, then will the governed partake of the same spirit of forbearance, and, by cultivating the principles of benevolence thus observable in Government, press on to higher and no-

bler sims. Government is the grand exemplar to which the of the people are ever turned. It is regarded as the grand nucleus around which should ever cluster the concentrated elements of wisdom, benevolence, purity, and virtue. Loyalty to its behests is a sentiment which is ever cherie and by the governod, and it is only when Government, through continued outrage, oppression and wrong, forfeits the confidence of the people that they rise and subvert it.

To minister to the best interests of humanity; to incite man to good and noble action, to cherish and cultivate the principles of benevolence and charity, and to encourage the growth of the moral element by an example worthy of imitation, should be the first desire of Government. To this end judicial murder should no longer be sustained by a State professedly Christian in

If the killing of one human being by another is branded as a crime, the same act when perpetrated by Society cannot be called a virtue. If the individual man p'eads in extenuation of his crime undoe excitement, avarice or revenge, it avails him not; and yet his plea is a stronger one than Government can urge in justification of the legal murder of that individual. Government can present no excuse or palliation for its conduct, unless it be to gratify a spirit of vindictiveness which is found among the illiberal and sectorion portions of community, and this feeling it has no moral or legitimate right to entertain or encourage.

By referring to the pages of the Paet, it will be found that this cruel punishment was instituted in an age when Society was in a rude and uncivilized condition-that it engendered and begat the very crimes it sought to prevent-that it has ever proved the prop of tyrants and the shield of cowardly despots-the pride of kings and the secret power of the Church-that it has ever been under the fostering care of the great body of the clergy; who, in their endeavors to prove its Christian vitality, have prostituted the Gospel of Nazareth to a base and unholy purpose. The ax, the sword, and the hangman's rope, have

been the horrid instrumentalities employed in all ages of the world to punish vice and suppress crime, to redress real and fancied wrongs, and to restrain man from the commission of grave and serious offenses. And what has been the result? Toe more terrible the punishments, the greater the increase in crime. A careful analysis of the question will convince every candid mind that Retaliation and dark Revenge constitute the very foundation on which rests the statute of Blood for blood." It is this spirit of Revenge that has filled the world with unutterable woe. It is this foul spirit that has delaged the world with blood, and at times withered almost to extinction the germs of benevolence and charity. It is this same spirit which led armies to conquest and invasion, drenching fields of industry with human gore, and turning its rivers of peace into torrents of crimson. It is this demon spirit thatvisited all the Apostles, save one, with violent and excruciating tortures terminating in death. Ay, it was this same spirit which led Jesus of Nazareth to the Cross on Calvary. It kindled the fires at Smithfield and hung witches and wizards at Salem. It manifested its presence in the execution of the infatuated John Brown, and now seeks to "whet its vengeance anew" by choking to death the unfortunate Mrs. Hartung. Is it not a shame and a disgrace that such brutalities are committed, and in the name of justice? How can a State expect her people to become thoroughly Chris-In the denth of the griminal, does Society seek to tianized while her own strong hand is red with blood ? I affale, Dec. 21, 1852.

How can the governed coltivate and cherish the printiples of benevolence and charity while the logislative and judicial power is constantly disturbing those elements? It does, indeed, seem strange, that Govern-ment shou'd be constantly looking for virtue among the people while her own spameful example destroys the

expectation of any such result.

But, says a certain class of thinkers, This is all very true, still we desire some evidence pointing out to us the practical working of the anti-Capital Punishment expectation of any such result. theory. To this class we would say a few words. Three States of the Uni n have abolished the Penalty of Death for crime, and what have been the results

Let ue see. MICHIGAN abolished the Gallows in 1846, and what has been the effect? Everything that was claimed for the Repeal has been absolutely verified. Letter after letter from the several Secretaries of State have been adduced, showing that there has been no increase in the crime of murder; and the recent Secretary of that State rays, "It would be almost impossible to assemble a Legislature that would take the responsibity of restoring the Gallows."

KHODE ISLAND at clished the Death Penalty in 1852. We I crewith append a letter from the Secretary of that State in reply to a note of inquiry:

State in reply to a note of inquiry:

SECRETARY'S OFFICE, PROVIDENCE, R. I., Oct. 29, 1859.

M. H. EOVER, esq.— Deur Sir: I have your favor of the With netant requesting me to furnish certain facts relative to the law sholishing the punishment of death in Rhode Island.
I would most wiffingly comply with your request, but am a possession of no facts, and have no documents or reports in my office, from which the statistics you wish can be obtained. I was not connected with the government of this State when the law rassed, and the amount reports of our State Viriou inspector do not give the facts desired. Similar inquiries have been put to me from various quarters, which led me to make inquiries of many persons here, the result o which is, that crime has not increased since the death punishment was abolished.
I remain, dear Sir, yours, very respectfully.

JOHN R. BARTLETT, Secretary of State.

Wisconsin abolished the Death Penalty in 1853, and as to its beneficial results we can personally speak; for, having taken an active part in that closely-contested legistative battle which resulted in the overthrow of the gallows, we can bear testimony to the effect of its beneficial operations. While the public feeling is no longer assaulted by the exhibition or knowledge of "judicial murders," it is a gratifying fact that there has leen no increase in crime of the first degree, the statistics showing quite the reverse. The following letter

from the State Pr son Commissioner of Wisconsin, is

tistics showing quite the reverse. The following letter from the State Prison Commissioner of Wisconain, is worthy of attention:

STATE PRISON COMMISSIONER'S OFFICE, WATER PRISON COMMISSIONER'S OFFICE, PRISON COMMISSIONER'S OFFICE OFFICE, PRISON COMMISSIONER'S

he most gratifying result has marked the "abolition" Wisconsin; and, though several attempts have been made to restore the gallows it has met with signal failure. At the last session of the Legislature, a bill was introduced in the Senate, prescribing the death pun'shment in certain aggravated cases of murder. It passed that body by a small majority, but was overwhelmingly defeated in the House, which refused it even the courtesy of d scussion; and any future attempt to restore Hanging in that State will be utterly unsuccessful. As a State, it presents a much fairer record han her sister Illinois, where hanging for crime is still olerated; for it is a notorious fact that during the past year there have been twice the number of murders and murder trials in Chicago alone, with its hundred thousand inhabitants, than in the whole State of Wisconsin with its million of souls. Milwaukee, with its thousand inhabitants, has had no occasion to try a single case of murder—nor has there been a single dictment for the crime before mentioned. We do not make this statement with a view to disparage or underrate the morality of Chicago, but as merely suggestive of the fact that the hanging of our fellow-man by process of law is not the best incentive to the prac-

ice and perpetuation of virtue. By an exemination of the criminal statistics of Great Britain for the past fifty years, it will at once be perceived that, as the English laws became less bloody, and the penalties for the minor offenses less severe bere was an absolute decrease in those very crimes which had been punished so rigorously; and this immense saving of life was certainly productive of no vil, but of incalculable good; hence, we are driven to he conclusion, which is absolutely irresistible, that cruel laws ever incite that very spirit in man which bequently culminate in crime, while laws which manifeet the mild spirit of Christianity will ever infuse into the minds of the people benevolence, kindness, and

To the special champions of the gullows in this State, and to those individuals especially who stand ready to denounce the effort to repeal the "bloody code," as instigated by a sickly sensimentalism, and who regard every heart-throb for humanity as maudin, we would say one word. If love for Hamanity-for your ewn brother man—is a sickly sentiment, a morbid distemper, then indeed have some of the first minds in the country been thus diseased. Look at the brilliant array of names that may be marshaled before you, including the most eminent jurists, divines, philosophers and statesmen that ever won the admiration of the world. Blackstone, Bacon, Drs. Goldsmith, Johnson, Rush, Benjamin Franklin, Lafayette, O'Connell, Father Matthew, Lord Brougham, Jefferson, Tompkins, Livingston, John Quincy Adams, Vice-President R. M. Johnson, Vice-President Ballas, Robert Rantoul, Horace Mann, Clay, Seward, Emerson, Parker, Chapin, Beecher, and a host of noble souls whose names will ever shine resplendently in the history of the world, when the Neros, the Caligulas, and their sympathizing spirits, will be remen bered but in infamy, or are lost in the shades of obscurity.

Then let the people arouse to the importance of this reform; let pe itions be circulated throughout the length and breadth of the State, calling upon all to sign for the abolition of this brutal law, let the friends of the repeal carnestly work during the present session of the Lepislature, and if they do not succeed at the present sitting of that body, they will have at least made manifest that moral power, which sooner or later compels the representative to obey the wishes of his constitu-

By the abolition of the gallows, It will be found that public virtue will no longer be assailed, nor private feeling violated through its terrible influence; the there will be no increase in crime consequent upon its repeal; that society will be an secure, as well regulated, as peaceful, and as morally good without as with the gibbet-that man will then learn lessons of wisdom and charity through the laws that govern him, and wil become imbued with the principles of love and kind ness, in the same ratio that Government, through the xercise of its legitimate functions, shall make manist its care and regard for the governed.

MARVIN H. BOVER

FINANCIAL CRISES: THEIR CAUSES

A LETTER TO MR. BRYANT. DEAR SIR: In your recent and highly interes clume, which I have just now read, there is a pas sage which, on account of its great importance as re-gards the progress of man toward an ultimate state of erfect Freedom or absolute Slavery, I feel dis-

o invite your attention. It is as follows: to invite your attention. It is as follows:

"I am pained to hear such bad news from the United State—
such accounts of embarrassments and failures, of sudden per
esty failing on the optient and thousands left destitute of em
ployment, and perhaps of bread. This is one of the spideon's
vicitations spaints which, I fear, no human pradeone can pre
vice, so far, at least, as to prevent their recurrence at longer a
shorter intervals, any more than it can prevent the scarled feve
or the cholera. A money market always in perfect beath as
soundness would imply infailible wisdom in those who e added
sto operations. I hope to hear news of a better state of thing
before I write sayly so? Can it be, that the frequent recur-

rence of such calamities is beyond the reach of man' be, as it seems to me, to admit that Providence had an adjusted the laws under which we exist, as to produce thore "epidemic visitations" of which you speak, and of which the direct effect, as all must see, is that of placing those who need to sell their labor at the mercy of those who have food and clothing with which to purchase it—increasing steadily the wealth, strength, and power of there latter, while making the forme corer and more enslaved. Look around you, in News York, at the present moment, and study the effects, in this respect, of the still-enduring crisis of 1857. Turn back to those of 1822 and 1842, and see how strong ha been their tendency to compel the transfer of property from the bends of persons of moderate means to those of men who were already rich—reducing the former, with their wives and children, in thousands, if not even bundreds of thousands of cases, to the condition of mere laborers, while largely angmenting the number and the fortunes of "merchant princes" who have no need to live by labor. Look around and study the growth in the number of your millionsires, side by side with a pauperism now exceeding in its propor-tions that of Britain, or even that of Ireland. Lock next to the condition of the men who labor through out the country, deprived as they bave been, and yet are, of anything approaching to steadiness of demand for their services, in default of which they have been, for two years past, unable suitably to provide for their wives, their children, or themselves. Study then the condition of the rich money-lenders throughout the country, enabled, as they have been, to demand one, wo, three, and even four and five per cent per month, from the miners, manufacturers, and little farmers of the Union, until there latter have been entirely eaten out of house and home. Having done all this, you can scarcely fail to arrive at the conclusion, that unsteadiness in the societary movement tends toward slavery—that steadiness therein, on the contrary, tends toward the emancination of those who have labor to sell from the domination of those who require to buy it-and that, therefore, the question referred to in the passage I have quoted, is one of the highest interest to all of those who, like yourself, are placed in a position to guide their fellow-men in their search for prosperity, h. ppt ness, and freedom.

The larger the diversity in the demand for human

powers, the more perfect becomes the division of empower of accumulation, the more rapid the increase of competition for the purchase of the laborer's services, and the greater the tendency toward the establish of human freedom. The greater that tendency, the more rapid becomes the societary action-its regular ity increasing with every stage of progress. In proof of this, look to that world in miniature, your own printing-office, studying its movements as compared with those of little country offices, in which a single person not unfrequently combines in himself all the employments that with you are divided among a hundred, from editor-in-chief to newsboy. The less the division of employments, the slower and more unsteads becomes the motion, the less is the power of production and accumulation, the greater is the competition for the sale of labor, and the greater is the tendency toward the enslavement of the laborer, be he black on

The nearer the consumer to the producer, the mo instant and the more regular become the exchanges of service, whether in the shape of labor for money, or food for cloth. The more distant the producer and consumer, the slower and more irregular do exchanges become, and the greater is the tendency to have the aborer suffer in the absence of power to ebtain wages, and the producer of wool perish of cold in the absence of power to obtain cloth. That this is so, is proved by an examination of the movements of the various nations of the world, at the present moment ses of which you have spoken-if we would have regularity of the societary movement—and if we would promote the growth of freedom—we must adopt the easures needed for bringing together the producers and consumers of food and wool, and thus augmenting their power to have commerce among themselves.

The essential characteristic of barbarism is found in

instability and irregularity of the societary action evidence of growing civilization being, on the contrary, found in a constantly augmenting growth of that regularity which tends to produce equality, and to promote the growth of freedom. Turn, if you please, to the Wealth of Nations, and mark the extraordinary variations in the prices of wheat in the days of the Plantagenets, from six shillings, in money of the present time, in 1243, to forty-sight in 1246, seconty-two in 1257, three hundred and thirty-six in 1270, and twenty-right in 1286. That done, see how trivial have been the changes of France and England, from the close of the war in 1815, to the present time. Next, turn to Russia, and mark the fact, given to us by a reseat British traveler, that, in those parts of the country that have no manufactures, the farmer is every where the victim of circumstances" over which he has no control whatseever—the prices of his products being dependent entirely upon the greater or smaller size of the crops of other lands, and he being ruined at the very moment when the return to his labor has been be most abundant. Look then to the changes throughout our own great West in the present year-wheat having fallen from \$1 30 in May to 50 ets. in Julyand you will see how nearly the state of things with us approximates to that of Russia. Compare all this with the movements of England, France, and Germany, and you will, most assuredly, be led to arrive at the conclusion that the stability whose absence you deplore is to be sought by means of measures looking to the close approximation of the producer and the consumer, and to the extension of domestic commo Five years since, British journals nearly all anhed

n predicting the advent of a great financial crists, the seat of which would be found in France and Germany. More careful observation might have satisfied them that the tendency toward such crises was always in the direct ratio of the distance of consumers from preducers, and was then predicted were those countries which much seemed beat on separating the producers and consumers of the world, Britain and America—the one seekng to drive all its people into workshops, and the ther laboring to compel them all to seek the fields and both thus acting in direct defiance of the advice of Adam Smith. The crisis came, spending its force upon those two countries-France, Belgiam, and Germany cecaping almost entirely unharmed, and for the rosson, that in all these latter the farm and the workshop were coming daily more near together, and commerce was ecomit g more rapid, free, and regular.

Russia and Sweden have, however, suffered much the crisis having become, apparently, as permanent as it is smong ourselves. Why should this be so ! Why should they be paralyzed, while France and Germany escape uninjured? Because, while these latter have persisted in maintaining that protection which is needed for promoting the approximation of producers and consumers, the former have, within the last three years, departed essentially from the system under which they had been so rapidly advancing toward wealth and freedom-adopting the policy advocated by